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C O N F I D E N T I A L KATHMANDU 000715

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STATE FOR SA/INS
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SUBJECT: NEPAL: 21 TIBETANS DETAINED ON IMMIGRATION CHARGES

Classified By: DCM Robert K. Boggs for reasons 1.5 (b,d)

1. (C) Summary: Twenty-one Tibetan refugees, including eleven minors, were detained by Nepal's Department of Immigration (DOI) on April 15. In an apparent toughening of rhetoric, the Home Secretary was "quite adamant" in an April 17 meeting with Office of Tibet Representative Wangchuk Tsering that the group would be returned to China. However,

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eighteen of the refugees have been fined, and will be required to serve jail terms ranging from three to ten months if they cannot pay. The three youngest refugees (six to nine years of age) will be released into the custody of UNHCR. The GON has not informed UNHCR of any change in policy toward Tibetans, but the latest arrests are part of a series of incidents that violate the unwritten "gentleman's agreement" governing the travel of Tibetans through Nepal to India. Tibetan leaders have blamed the less tolerant attitude of the Nepal Government on growing pressure from Beijing. End summary.

2. (U) A group of twenty-one Tibetan refugees, including eleven minors, was arrested by GON authorities near Kathmandu on April 15. The undocumented refugees crossed into Nepal on foot via Nangpa-La (a 17,000-foot pass in the Everest region) then took a bus to the capital. They were arrested at the Thankot police checkpoint, about 10 miles from Kathmandu, and immediately handed over to the Department of Immigration. Eighteen members of the group have been jailed, pending payment of approximately 100 USD each in fines and visa fees. Failing payment, the refugees will be required to serve a prison term of 10 months. (Note: One thirteen-year-old boy was given a half-fine, reducing his total required payment to 70 USD and his total possible prison term to 3 months. End note.) The three youngest members of the group (two six-year-olds and a nine-year-old) will be released into UNHCR custody. Their parents were not among those detained.

3. (C) Office of Tibet Representative Wangchuk Tsering told PolOff on April 17 that the Home Secretary had been "quite adamant" that the refugees would be returned to China, despite an informal agreement with UNHCR to allow Tibetans to transit to India. According to Tsering, the Home Secretary claimed that "thousands" of Tibetans would flood the country if the current UNHCR-administered process were allowed to continue.

4. (C) UNHCR Protection Officer Giulia Ranawat said that her office was pursuing the matter, and would seek a clarification of the GON's current policy toward Tibetans traveling to India. "We have not received any notification from the government of any change in policy, but they seem to be arresting and fining people quite frequently," she said. "We will be pressing them to find out if the procedure has changed." Ranawat indicated that UNHCR had not yet been granted the opportunity to interview the refugees to determine if they are persons of concern, but said that her office had "valid reasons to assume" that they would be.

5. (C) Comment: The Home Secretary's concern about "thousands" of Tibetans flooding Nepal on their way to the UNHCR Reception Center is specious. The number of refugees processed by UNHCR has declined in the past few years to under 1500 per annum, and those who do enter Nepal are escorted out to India, primarily for free schooling in Dharamsala. The system has worked well for thirteen years, but Tibetan leaders have reported increased pressure by the Chinese Government on Nepal to crack down on Tibetan immigrants. Post will continue to work with UNHCR and the Office of Tibet to determine if the so-called "gentleman's agreement" has been abandoned by the GON, and what the ramifications of such a decision would be for Tibetans, who will likely continue to seek a way to join the Tibetan community in India whether a protective agreement is in place or not.

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